

SUBCHAPTER H—NATIONAL WILDLIFE MONUMENTS

PARTS 96–99 [RESERVED]

PART 100—SUSTINENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA

Subpart A—General Provisions

- Sec.
- 100.1 Purpose.
- 100.2 Authority.
- 100.3 Applicability and scope.
- 100.4 Definitions.
- 100.5 Eligibility for subsistence use.
- 100.6 Licenses, permits, harvest tickets, tags, and reports.
- 100.7 Restriction on use.
- 100.8 Penalties.
- 100.9 Information collection requirements.

Subpart B—Program Structure

- 100.10 Federal Subsistence Board.
- 100.11 Regional advisory councils.
- 100.12 Local advisory committees.
- 100.13 Board/agency relationships.
- 100.14 Relationship to State procedures and regulations.
- 100.15 Rural determination process.
- 100.16 Customary and traditional use determination process.
- 100.17 Determining priorities for subsistence uses among rural Alaska residents.
- 100.18 Regulation adoption process.
- 100.19 Closures and other special actions.
- 100.20 Request for reconsideration.
- 100.21 [Reserved]

Subpart C—Board Determinations

- 100.22 Subsistence resource regions.
- 100.23 Rural determinations.
- 100.24 Customary and traditional use determinations.

Subpart D—Subsistence Taking of Fish and Wildlife

- 100.25 Subsistence taking of wildlife.
- 100.26 Subsistence taking of fish.
- 100.27 Subsistence taking of shellfish.

AUTHORITY: 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

Subpart A—General Provisions

SOURCE: 57 FR 22951, 22964, May 29, 1992, unless otherwise noted.

§ 100.1 Purpose.

The regulations in this part implement the Federal Subsistence Management Program on public lands within the State of Alaska.

§ 100.2 Authority.

These regulations are issued pursuant to authority designated above, and specifically the authority vested in the Secretary of the Interior and Secretary of Agriculture specified in section 814 of the Alaska National Interest Lands Conservation Act (ANILCA) 16 U.S.C. 3124 (1980).

§ 100.3 Applicability and scope.

(a) The regulations of this part implement the provisions of Title VIII of ANILCA relevant to the taking of fish and wildlife on public lands in the State of Alaska. The regulations of this part do not permit subsistence uses in Glacier Bay National Park, Kenai Fjords National Park, Katmai National Park, and that portion of Denali National Park established as Mt. McKinley National Park prior to passage of ANILCA, where subsistence taking and uses are prohibited. These regulations do not supersede agency specific regulations.

(b) The regulations contained in subpart D apply on all public lands including all non-navigable waters located on these lands. However, the regulations contained in subpart D do not authorize any subsistence uses in those National Parks listed in § 100.3(a). In the following areas, the regulations in subpart D apply on all Federal public lands including all waters located on these lands:

(1) The area beginning at a point on the boundary between the United States and Canada, on the divide between the north and south forks of the Firth River, approximate latitude 68°52' N., longitude 141°00' W., thence westerly along this divide and the periphery of the watershed northward to the Arctic Ocean, along the crest of portions of the Brooks Range and the DeLong Mountains, to Cape Lisburne;

(2) The area north of 61° north latitude, south of 61°21' north latitude, west of 163°40' longitude and east of the Bering Sea shoreline including Hazen Bay;

(3) Nunivak Island and waters of the Bering Sea within one mile of its shorelines;

(4) The area west of the eastern most tip of Unimak Island to the terminus of the Aleutian Islands, except the area between Akutan Pass and Samalga Island;

(5) Simeonof Island and all waters of the Pacific Ocean within one-mile of Simeonof Island;

(6) the Semidi Islands and all waters of the Pacific Ocean within one mile of each of the Semidi Islands;

(7) Kodiak National Wildlife Refuge;

(8) Waters of the Pacific Ocean enclosed by the boundaries of Womans Bay, Gibson Cove, and an area defined by a line one-half mile on either side of the mouth of Karluk River, and extending seaward 3,000 feet;

(9) All waters of the Pacific Ocean within 1,500 feet seaward of the shoreline of Afognak Island;

(10) Kenai National Wildlife Refuge;

(11) Glacier Bay National Preserve.

(c) The public lands described in § 100.3(b) (1)-(11) remain subject to change through rulemaking pending a Department of the Interior review of title and jurisdictional issues regarding certain submerged lands beneath navigable waters in Alaska.

§ 100.4 Definitions.

The following definitions apply to all regulations contained in this part.

Agency means a subunit of a cabinet level Department of the Federal government having land management authority over the public lands including, but not limited to, the U.S. Fish & Wildlife Service, Bureau of Indian Affairs, Bureau of Land Management, National Park Service, and USDA Forest Service.

ANILCA means the Alaska National Interest Lands Conservation Act, Public Law 96-487, 94 Stat. 2371 (December 2, 1980) (codified, as amended, in scattered sections of 16 U.S.C. and 43 U.S.C.)

Barter means the exchange of fish or wildlife or their parts taken for sub-

sistence uses; for other fish, wildlife or their parts; or, for other food or for nonedible items other than money, if the exchange is of a limited and non-commercial nature.

Board means the Federal Subsistence Board as described in § 100.10 of this part.

Commissions means the Subsistence Resource Commissions established pursuant to section 808 of ANILCA.

Conservation of healthy populations of fish and wildlife means the maintenance of fish and wildlife resources and their habitats in a condition that assures stable and continuing natural populations and species mix of plants and animals in relation to their ecosystem, including the recognition that local rural residents engaged in subsistence uses may be a natural part of that ecosystem; minimizes the likelihood of irreversible or long-term adverse effects upon such populations and species; ensures the maximum practicable diversity of options for the future; and recognizes that the policies and legal authorities of the managing agencies will determine the nature and degree of management programs affecting ecological relationships, population dynamics, and the manipulation of the components of the ecosystem.

Customary and traditional use means a long-established, consistent pattern of use, incorporating beliefs and customs which have been transmitted from generation to generation. This use plays an important role in the economy of the community.

Customary trade means cash sale of fish and wildlife resources regulated herein, not otherwise prohibited by State or Federal law or regulation, to support personal and family needs; and does not include trade which constitutes a significant commercial enterprise.

FACA means the Federal Advisory Committee Act, Public Law 92-463, 86 Stat. 770 (October 6, 1972) (codified as amended, at 5 U.S.C. appendix II 1-15).

Federal Advisory Committees or Federal Advisory Committee means the Federal Local Advisory Committees as described in § 100.12.

Family means all persons related by blood, marriage or adoption, or any